

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

DAVID J. WIDI, JR.,)	
)	
Plaintiff,)	
)	
v.)	1:11-cv-00113-JAW
)	
JUSTICE, U.S. DEPT OF, et al.,)	
)	
Defendants.)	

STATUS ORDER

On March 25, 2013, David J. Widi, Jr. filed what he titled a Third Amended Complaint with the Court. *Third Am. Compl.* (ECF No. 114). First, the Court clarifies that in terms of operative pleadings, the pleading is in fact the Second Amended Complaint. As the Court noted in its December 4, 2012 Order, the Amended Complaint that Mr. Widi filed on July 25, 2011 has been the operative pleading in this case. *Order Overruling Objection to Orders of the Magistrate Judge and Correcting Footnote* (ECF No. 100). Mr. Widi filed a Second Amended Complaint on November 8, 2011, but he was required either to obtain the opposing parties' consent or the Court's approval and he obtained neither. *Id.* at 1-2. Accordingly, the Second Amended Complaint never became an operative pleading. *Id.*

In addition, although the Court repeatedly warned Mr. Widi that he had to file a motion for leave to file his Amended Complaint, his most recent filing does not expressly contain such a motion. *Third Am. Compl.* As such, it could suffer the

same fate as the Second Amended Complaint, which never became effective. Nevertheless, to give Mr. Widi the benefit of the doubt, the Court is treating the filing of the "Third Amended Complaint" as a motion for leave to file a Second Amended Complaint.

In accordance with its Order dated November 16, 2012, the Court has set fourteen days for response to the motion for leave to amend should any of the parties wish to respond to Mr. Widi's motion for leave to amend; specifically, the Defendants' responses, if any, to the motion for leave to amend shall be due by April 8, 2013. Mr. Widi's reply, if any, shall be mailed no later than seven days of the filing of any objection to the motion for leave to amend and his reply shall be strictly confined to new matters raised in the objection.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
CHIEF UNITED STATES DISTRICT JUDGE

Dated this 28th day of March, 2013